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210.3: Commencement. The professional services shall not commence without agreement of the applicant as to the costs of such study and the deposit with the City of the estimated fee for the professional services plus administrative costs of ten percent (10%) of the estimated cost of the services or a minimum of \$100. The applicant shall be refunded any overpayment at the conclusion of the professional report, except the administrative cost to the City which is a non-refundable fee.

210.4: Final Property. The professional report or study shall become the property of the City for its sole use.

(Ord. No. 9200, §1, 11-21-02)

Section A-220: Site Plan Review

220.1: Purpose. The purpose of this section is to require site plan review for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the City for the betterment of the general welfare of the community; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments; the maintenance and improvement of the general welfare and character of the developments within the community, with proper attention to setting and the avoidance of unsightly appearances; and will be conducive to the proper development of the City.

220.2: Conflict with Other Provisions. In the event that the guidelines, regulations and standards in site plan approval, as enumerated herein, are inconsistent with any of the guidelines, regulations or standards prescribed elsewhere as applicable to the project or plan identified in subsection 220.6(2) then the guidelines, regulations and standards enumerated herein shall control. However, this provision shall not constitute a waiver of any applicable procedural requirement for the project or plan identified in subsection 220.6(2) and the review of such applications will run concurrent with the site plan review.

220.3: Definitions. When used in this section the following words shall have the following meanings:

- (1) *Application for site plan review* shall mean the application for site plan review submitted by an applicant on forms provided by the City of Kirkwood and which contain all of the documents and information required by this section.
 - (2) *Site plan* shall mean a plan of the site submitted in connection with an application for site plan review in accordance with the provisions of this section which contains the information specified in subsection 220.5(2) herein.
 - (3) *Site plan approval* shall mean the review and approval of applications for site plan review by the Planning and Zoning Commission of the City of Kirkwood in accordance with the provisions of subsection 220.6(2) herein.
- Site plan review* shall mean a review of the application for site plan review and the documents accompanying such application, including, but not limited to the site

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plan submitted with such application, conducted (i) either administratively by the Building Commissioner or (ii) by the Planning and Zoning Commission in accordance with the requirements for site plan approval.

220.4: *Matters Requiring Site Plan Review.* Except as otherwise provided herein, site plan review is required for all construction requiring a building permit and all matters that require site plan approval as provided herein. Site plan review is not required for construction of or modifications to single family detached dwelling units or structures appurtenant thereto, unless otherwise provided.

220.5: *Application and Submission Requirements.*

- (1) An application for site plan review may be filed by any person with a financial, contractual or proprietary interest in the property to be developed according to the submitted plan.
- (2) All applications for site plan review shall be submitted to the Director of Public Works. The Director of Public Works shall forward appropriate applications to the Planning and Zoning Commission for its review. Applications involving administrative site plan review shall be submitted to the Office of the Building Commissioner by the Director of Public Works. All site plan review applications shall include a site plan skillfully drawn to scale, which shall include the following:
 - a. Property line dimensions and bearings, or angles;
 - b. All existing buildings and improvements;
 - c. Zoning setback lines;
 - d. New buildings or additions located with all dimensions to property lines;
 - e. Parking layout and driveways, including parking stall size, aisle and driveway widths, entrance approach details, and the number of cars in each row of parking spaces;
 - f. Site topography showing existing and proposed contours at intervals of two (2) feet or less;
 - g. Landscaping or buffering that satisfies Article X, Section A-1020, Landscaping Requirements;
 - h. When a site plan that is reviewed by the Planning and Zoning Commission includes a significant tree or trees (significant trees shall be live, healthy trees of a species suitable for the urban environment having a diameter of eight inches or greater), a tree study prepared and endorsed by an arborist certified by the International Society of Arboriculture, a Landscape Architect or a Horticulturist shall be required. The study shall provide the City with a professional opinion regarding the survivability of significant trees existing on the site, proposed tree replacement, and the appropriateness of the landscaping proposed for the subdivision. This study shall include tree protection methods for each tree and the dollar value of each tree designated to be saved. The dollar value of the tree(s) shall be based on data contained in the International Society of Arboriculture's "Guide for Tree Appraisal." If the petitioner fails to provide such study or it is inadequate or deficient, the City may require a City professional study under the provisions of the code.

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- i. Utilities. Indicate provisions for access to major utilities including water, storm sewers, sanitary sewers, gas and electricity;
 - j. Stormwater management and erosion control. Indicate provisions to be made to direct and detain stormwater on-site in accordance with any applicable agencies (i.e. Metropolitan Sewer District) and applicable City regulations and to mitigate erosion both during and following completion of construction. Indicate location of any sinkholes, spring silt beams, ponds, and other silt control facilities;
 - k. Lighting;
 - l. Easements; and,
 - m. Existing right-of-way, street and entrances.
- (3) The site plan shall be drawn accurately to scale.
- (4) The Building Commissioner or Planning and Zoning Commission may waive any of the items required by subsection 220.5(2) where it is deemed appropriate.

220.6: Procedure.

- (1) *Administrative action.* The Building Commissioner shall determine whether or not an application for site plan review satisfies all the requirements of the Zoning Code. At such time as the Building Commissioner determines the application to be complete, the Building Commissioner shall (i) refer all applications that require site plan approval pursuant to subsection 220.6(2) to the Public Works Director for Planning and Zoning Commission review, or (ii) where appropriate, issue permits.
- (2) *Site plan approval.*
- a. The Planning and Zoning Commission shall review all applications for site plan review submitted in connection with any of the following and such site plan review shall be concurrent with any other review process required, if any, with respect to an application for any of the following:
 - i. Construction of a new building or structure or structural modifications to the exterior of an existing structure (including additions) for any use or
 - ii. Construction, expansion, or modification of a parking lot which creates four or more parking spaces or 3,000 square feet or more of paved area, except
 - iii. Site plan review shall not be required for a single-family residence, accessory structures or uses to single-family residences, an approved temporary use, or building additions containing 1,000 square feet or less of gross floor area.
 - b. For site plan review by Planning and Zoning Commission, a fee shall be paid in accordance with the Municipal Code of Ordinances Chapter 5, Article VI, "Fee Schedule."
- (3) *Determination final.* Subject to the right of appeal specified herein, the determination of the site plan review by the Planning and Zoning Commission shall be final except when the application for site plan review is filed in conjunction with another application that requires final approval by the City Council through the

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adoption of an ordinance. Under such circumstances, the site plan review, together with the Planning and Zoning Commission recommendation for approval or disapproval, shall be submitted to the City Council simultaneously with the Planning and Zoning Commission recommendation in connection with the other application. The City Council shall review the findings of the Planning and Zoning Commission considering the criteria established herein. The City Council may overturn or otherwise modify the Planning and Zoning Commission decision.

- (4) The Planning and Zoning Commission shall review and act upon a site plan review application within 120 days of the date on which the application is filed with the City. If the Planning and Zoning Commission fails to take action within the time specified herein, the site plan review application shall be considered to be approved, except when the application for site plan review is filed in conjunction with another application that requires final approval by the City Council through the adoption of an ordinance or resolution. Under such circumstances, the review time of the other application shall apply and the site plan review recommendation shall be submitted to the City Council simultaneously with the other petition.

220.7: *Guidelines in Site Plan Approval.* In conducting a site plan approval, the Planning and Zoning Commission will consider the following:

- (1) The efficiency and harmonious relationship of the topography to the site plan, the size and type of lot, the character of adjoining property and the type and size of buildings that the site will be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Code.
- (2) The landscaping and buffering should be preserved in its natural state, insofar as reasonably practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas and shall be in accordance with Article X, Section A-1020, "Landscape Requirements".
- (3) Site surface drainage should provide for the reasonable removal of stormwater so as not to adversely affect neighboring properties.
- (4) Reasonable visual and sound buffering should be provided for all dwelling units located in the surrounding area.
- (5) Landscaping, fences, walks, and buffers should be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- (6) All structures or dwelling units should have access to a public street, walkway or other area designated for common use.
- (7) A pedestrian circulation system should be reasonably insulated from the vehicular circulation system.
- (8) All loading and unloading areas and outside storage areas, other than for the storage of trash and recyclables as outlined below, which face or are visible from residential properties or thoroughfares may be screened.
- (9) All outside storage areas for the storage of trash and/or recyclables shall be screened. Trash dumpster screening shall be constructed of sight-proof fence or wall not less than six (6) feet in height. Latching gates of similar or complementary materials shall be required to completely enclose the trash dumpster. Recycling

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dumpsters will be screened from thoroughfares and adjoining properties as determined by the Planning and Zoning Commission.

- (10) Exterior lighting should provide adequate safety for users of the site and should be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets in accordance with Article X, Section A-1040, "Lighting Regulations".
- (11) Vehicular loading and unloading and parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets and ways should not create hazards to safety, should not result in serious loss of natural features of the land, and should not impose a significant burden upon public facilities. Absent extraordinary circumstances, the proposed development must avoid vehicular circulation onto adjacent public streets in residential areas and should direct vehicular circulation onto adjacent public streets in commercial areas in order to promote safety and maintain the integrity of residential areas.
- (12) A reasonable plan for the private care and maintenance of all open space should be provided.
- (13) The proposed development should not adversely affect offsite public services including sewer, water, and streets, or adversely affect the character of the neighborhood or adversely affect the general welfare of the community.

220.8: *Conditions and Restrictions.* In approving an application for site plan review, the Planning and Zoning Commission may impose conditions, restrictions, and prescribe development standards within the range of such discretions as prescribed elsewhere in this zoning code. In no event, however, shall any permitted use or use regulations be varied so as to make them less restrictive than prescribed in the district, or other applicable regulations.

If the Planning and Zoning Commission imposes conditions or restrictions, it shall designate specific requirements which must be met before an applicant may be granted final approval of a site plan. Failure to comply with any of these conditions or restrictions shall constitute a violation of this Code punishable in Municipal Code of Ordinances Chapter 1 Section 18, "General Penalty; Continuing Violations".

220.9: *Site Plan and Building and Occupancy Permits.* The Building Commissioner shall have authority to issue a conditional occupancy permit in the enforcement of this Code, and allow temporary occupancy, provided that the occupant establishes an escrow deposit guaranteeing the completion of the same.

220.10: *Staged Development.* In the event an applicant desires to present a site plan identifying the construction of a complex of buildings and site improvements to be developed over an extended period of time, a detailed site plan shall be submitted for approval by the Planning and Zoning Commission in accordance with this section for each specific building project. This shall include a proposed time schedule for each phase of the project. Such detailed site plans may be submitted in advance of or in conjunction with an application for a building permit. Of primary importance in this review will be a determination that the detailed site plan complied with the site plan approval for the total development or project. This provision shall not be construed to obligate an applicant to provide a site plan detailing staged development but is intended to be discretionary with the applicant.

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- 220.11** *Period of Validity.* No approval of an application for site plan review by the Building Commissioner or the Planning and Zoning Commission shall be valid for a period longer than twelve (12) months from the date granted, unless within such a period a building permit is obtained and substantial construction is commenced. The Planning and Zoning Commission may grant up to two (2) extensions not exceeding twelve (12) months each upon written request submitted no later than thirty (30) days prior to the date such site plan approval shall terminate, with a submittal including the original applicant, re-submission of the application and filing fee in accordance with the Municipal Code of Ordinances Chapter 5, Article VI, "Fee Schedule", if the application as resubmitted is substantially the same as the initially approved application. However, the Planning and Zoning Commission has the power in such cases to attach new conditions to its re-approval or disapprove the re-application. Where the application for re-approval contained changes which the planning commission concludes materially alter the initial application, it shall refer the application to the Building Commissioner who shall initiate a new site plan review procedure in accordance with the provisions hereof.
- 220.12:** *Modification of Approval of Site Plan.* After an application for site plan review has been approved by the Building Commissioner or the Planning and Zoning Commission, changes that are, in the judgment of the Director of Public Works, material to the approved site plan shall require a re-submission and payment of additional fees in accordance with the Municipal Code of Ordinances Chapter 5, Article VI, "Fee Schedule."
- 220.13:** *Financial Guarantees.* In reviewing the application for site plan review, the Planning and Zoning Commission shall require a performance guarantee in the form of a cash deposit or a letter of credit from a local lending institution furnished by the developer to insure compliance with the conditions of approval including the requirements for drives, walks, utilities, parking, public improvements, landscaping, screening, and the like.
- (1) The performance guarantee shall be provided to the City before the issuance of the permit authorizing the project or activity but no later than six months from the date of approval.
 - (2) Before acceptance of the performance guarantee by the City, the developer shall pay to the City of Kirkwood a fee in accordance with the Municipal Code of Ordinances Chapter 5, VI "Fee Schedule." Such fee is for administration and site inspections.
 - (3) As work progresses, the Director of Public Works may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
 - (4) The City may require the value of trees to be preserved to be included in the performance guarantee. Should the designated trees be lost due to willful action or neglect of the developer, the developer shall provide landscaping and trees in the site area equal to the performance guarantee amount or forfeit the amount to the General Revenue of the City of Kirkwood.
 - (5) Failure to satisfy the conditions of the site plan review procedure shall result in the letter of credit being forfeited to the General Revenue of the City of Kirkwood.